

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

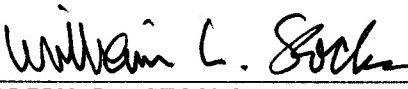
IN RE:)
)
Mary Carden Sergent,) Case No. 10-80572C-7D
)
Debtor.)
)

ORDER

This case came before the court on July 8, 2010, for hearing on a motion requesting an order adjudging that there is no requirement in this case that the Debtor obtain credit counseling as described in section 109(h) or that the Debtor complete an instructional course concerning personal financial management as described in section 111 of the Bankruptcy Code. This relief is sought pursuant to the provisions of sections 109(h)(4) and 727(11) of the Bankruptcy Code which provides that section 727(11) shall not apply with respect to a debtor who is a person described in section 109(h)(4). The description contained in section 109(h)(4) includes a debtor who is unable to complete the instructional course described in section 111 because of incapacity or disability. The record in this case reflects that the Debtor is unable to complete the requirements of section 109(h) or section 727(11) as a result of incapacity as defined in section 109(h)(4). Therefore, the court concludes that the motion should be granted, it appearing that the Debtor is unable to complete the credit counseling or the instructional course concerning personal financial management because of incapacity and that section 727(11) is not applicable in this case.

IT IS SO ORDERED.

This 8th day of July, 2010.


WILLIAM L. STOCKS
United States Bankruptcy Judge

PARTIES IN INTEREST

Mary C. Sergent
3719 Suffolk Street
Durham, NC 27707

Edward C. Boltz, Esq.
6616-203 Six Forks Road
Raleigh, NC 27615

Michael D. West, Bankruptcy Administrator